

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Oct 07, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NICOLE B.<sup>1</sup>

No. 1:22-cv-3027-EFS

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

**ORDER GRANTING THE PARTIES'  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)**

The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The parties also agree that Plaintiff may be entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, ECF No. 15, is

**GRANTED.**

<sup>1</sup> For privacy reasons, Plaintiff is referred to by first name and last initial or as "Plaintiff." See LCivR 5.2(c).

2. Judgment shall be entered for Plaintiff.
3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:
  - Offer the claimant an opportunity for a new hearing and take any further action needed to complete the administrative record.
  - Further consider step 1 of the sequential evaluation, reconsider the opinion evidence and Plaintiff's subjective symptom allegations, reassess Plaintiff's residual functional capacity, and proceed through the sequential evaluation, obtaining expert vocational testimony as necessary.

4. All pending motions are **DENIED AS MOOT.**

5. All hearings and other deadlines are **STRICKEN**.

6. If filed, the Court will consider Plaintiff's motion for fees and expenses under the Equal Access to Justice Act.

7. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this order and provide copies to all counsel.

**DATED** this 7<sup>th</sup> day of October 2022.

*Edward F. Shea*  
EDWARD F. SHEA  
Senior United States District Judge